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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,820	02/27/2002	Chauncy W. Griswold	404980	8636

27717 7590 02/21/2007  
SEYFARTH SHAW LLP  
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CHICAGO, IL 60603-5803

EXAMINER
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SAVIC, BORIS

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/084,820

Applicant(s)

GRISWOLD, CHAUNCEY W.

Examiner

Boris Savic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,4,6-8,19-22,26 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6-8,19-22,26 and 31-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/24/2002 and 7/14/2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to applicant's amendment received on June 6, 2005.

#### ***Response to Amendment***

It has been noted that claims 1-2, 5, 9-18, 23-25, and 27-30 have been cancelled. Claims 3-4, 6, 19-21, 26, and 31 have been previously presented. Claims 7, 8, and 22 are original. Claims 32-42 have been added.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4, 6-8, 19-20, 26, 31, 32-37, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Raven et al. (U.S. 5,429,361) and further in view of Orus et al. (U.S. Patent Application Publication 2002/0047044 A1).

Walker et al. discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server, which receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player-tracking card (and/or other "biometric" data is used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is

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authenticated the central server programs or configures the gaming machine to the player's preferences. Walker et al. additionally discloses:

Regarding Claims 31 and 32:

- displaying to the gaming machine a card carried by the player, said card comprising suitable electronics for data transmission, causing transfer of first individualized data concerning the player from the card to the gaming machine or to a computer network associated with the gaming machine (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37);
- providing biometric sensing as a separate, personal identification to the gaming machine (Column 6, lines 39-61); and
- evaluating the data against a stored database, and activating said gaming machine for said subsequent play upon favorable evaluation of said data, and, during or after said subsequent play, causing the transfer of second, individualized data back to the card to be stored (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37).

Regarding Claims 3 and 32:

- the player manually or physically actuates the gaming machine (Column 6, lines 39-61).

Regarding Claim 4:

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- the player provides a separate, personal identification to the gaming machine in the form of letters or numbers as a necessary prerequisite to said machine activation (Column 6, lines 47-49).

Regarding Claims 6 and 33:

- after evaluation of said data, the gaming machine is activated in a specific mode selected from a plurality of possible modes of activation, the specific mode being a function of the individualized data (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37).

Regarding Claims 7 and 34:

- the specific mode selected comprises a particular game or choice of games to be played (Figure 5).

Regarding Claims 8 and 35:

- the specific mode selected comprises a special offer of a benefit or activity for the player (Figure 5).

Although Walker et al. discloses a player tracking card and tracking card reader which deposits/withdraws virtual cash or credits to/from a player tracking card based upon a players winnings/loosings, Walker et al. seems to lack explicitly disclosing:

Regarding Claims 31 and 32:

- a contactless player tracking card having electronics and an antenna causing a wireless transfer of player data to a gaming machine or computer network; and

- upon favorable evaluation of said data, said gaming machine providing a personalized greeting to the player.

Regarding Claims 26 and 40:

- microprocessor providing a plurality of separate accounts to the user.

Regarding Claims 41 and 42:

- the player manually or physically actuates the gaming machine by pressing a button.

Raven et al., like Walker et al., teaches of a gaming machine that can be used via smart card technology to identify special players, transmit messages, and transmit player preference data to the gaming machine and is therefore analogous art.

However, Raven et al. seems to lack explicitly teaching using biometric data as a separate identification means. Raven et al. teaches:

Regarding Claims 31 and 32:

- upon favorable evaluation of said data, said gaming machine providing a personalized greeting to the player (Column 7, lines 50-56).

Orus et al. does not teach transmitting player preference data to a slot machine based on identification data read from a player-tracking card. Instead, Orus et al. teaches of a system and method for securely transferring, via bi-directional wireless communication, bets and winnings to/from contactless gambling cards and slot machine/slot machine networks based on identification data read from a player tracking card. Orus additionally teaches:

Regarding Claims 31 and 32:

- a contactless player tracking card having electronics and an antenna causing a wireless transfer of player data to a gaming machine or computer network (Paragraphs 2, 14-16, 18, and 33).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Walker in view of Raven's gaming machine with Orus' contactless gaming card system. One would be motivated to do so because this would provide a secure data exchange over a network, wherein a security module calculates an authentication certificate from secret data stored on the memory of the contactless gambling card and the monitoring means checks the authentication certificate calculated by the security module corresponding to the authentication certificate calculated by the contactless gambling card.

Regarding Claims 26 and 40, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to provide access to a plurality of separate accounts for a player with a single contactless gambling card. That is, individual accounts for slot machines, poker machines, and other gaming machines. Otherwise, players would have to use multiple contactless gambling cards in a casino to play a variety of games, which would totally defeat the purpose of having a contactless gambling card in the first place.

Regarding Claims 41 and 42, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to provide a button or start button to active a gaming machine. It is well known in the art that gaming machines, like slot

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machines and arcade gaming machines, have a start button to activate, start, run, or actuate them.

3. Claims 21-22 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,110,041) in view of Raven et al. (U.S. 5,429,361) and Orus et al. (U.S. Patent Application Publication 2002/0047044 A1) and further in view of (Philips Semiconductors - Leading-edge smart card technology meets smartest watch technology - Press release) (Philips Semiconductors).

Walker et al. in view of Raven et al. and Orus et al. teaches that as discussed above regarding claims 3-4, 6-8, 19-20, 26, 31, 32-37, and 40-42. However, Walker et al. in view of Raven et al. and Orus et al. seems to lack explicitly stating:

Regarding Claims 21 and 38:

- the card is carried by the player in the form of an article of personal adornment or clothing.

Regarding Claims 22 and 39:

- the card is carried by the player in the form of a wristwatch.

Philips Semiconductors teaches of a contactless smart card controller IC incorporated into a watch. The watch can support multiple communications protocols and have endless applications for personal identification and storing personal data.

Philips Semiconductors teaches:

Regarding Claims 21 and 38:

- the card is carried by the player in the form of an article of personal adornment or clothing (pp. 1-3).



Regarding Claims 22 and 39:

- the card is carried by the player in the form of a wristwatch (pp. 1-3).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Philips Semiconductor watch technology in Walker in view of Raven and Orus. One would be motivated to do so because Philips Semiconductors watch technology provides a highly attractive and convenient carrier for the smart card technology enabling a player access to a gaming machine with both hands at all times.

### ***Response to Arguments***

Applicant's remarks have been fully considered but they are not deemed persuasive.

Applicant states that there is no teaching in the references of the use of both a non-contact card and biometric data for identification of the gamer. Also, applicant states that there is no teaching of the use of the contactless card in one step of the method and a biometric scan and evaluation taken on the spot of the prospect player. The Examiner disagrees. First, examiner states that it is obvious to one having ordinary skill in the art, at the time of the invention, to manually activate a gaming machine prior to use of a non-contact card as it is stated in the Detail Action above. Most of the gaming machines, like slot machines and arcade video games, require a player to press a button, on which is imprinted "start" or "run" or "begin", to activate a gaming machine. Once that is established, then the player uses his/her non-contact card followed by biometric scan for secure data transfer of players' personal identification. Further,

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examiner states that, as said in the Detail Action above, Walker discloses a player biometrics (col. 6, lines 59-61) and Orus discloses contactless cards (paragraph 33). Again, as stated in the Detail Action above, it would be obvious to one having ordinary skill in that art, at the time of the invention, to combine Walker player biometrics and Orus contactless cards because this would provide a secure data exchange over a network.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Savic whose telephone number is (571) 272-2849. The examiner can normally be reached on Monday - Friday, 6:00AM - 3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

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Ronald J. Gerson  
Primary Examiner  
2/19/07